

# **Observations on the State of Indigenous Peoples' Rights in United States**

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**Reporting Organizations:**



**Cultural Survival** is an Indigenous-led NGO and U.S. registered non-profit, advocating for Indigenous Peoples' rights and supporting Indigenous communities' self-determination, cultures, and political resilience since 1972. For 51 years, Cultural Survival has partnered with Indigenous communities to advance Indigenous Peoples' rights and cultures worldwide.

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## **I. Executive Summary**

The United States continues to fall short in honoring the rights and sovereignty of Indigenous Peoples. Today, more than 574 federally recognized Tribes and at least 400 non-federally recognized Tribes confront the legacy of colonization and ongoing systemic injustices including land dispossession, environmental destruction, and cultural erasure. These persistent violations—ranging from broken treaties and the suppression of self-determination to the crisis of gender-based violence—reflect a pattern of institutional neglect and deliberate violence. The US government’s failure to uphold its legal and moral obligations threatens the survival, dignity, and future of Indigenous Nations. In this report, we cover one case of Indigenous Peoples being denied their rights, sovereignty, and Free, Prior, and Informed Consent (FPIC) in the context of land and cultural rights and freedom of religion; the devastating crisis of Missing and Murdered Indigenous Women, Girls, and Two-Spirit (MMIWG2S+) individuals; and recent Trump administration executive actions aimed at diminishing Indigenous sovereignty and rights.

## **II. Background**

The continental US, Alaska, and Hawai’i comprise 574 federally recognized Tribes<sup>i</sup> and at least 400<sup>ii</sup> non-federally recognized Tribes. Federal recognition signifies a government-to-government<sup>iii</sup> relationship between the United States and Tribal Nations, a relationship which is not recognized for non-federally recognized Tribes.<sup>iv</sup> The US announced support for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2011.<sup>v</sup>

As of the 2020 US census, about 9.6 million people (2.9% of the total US population) identified as American Indian or Alaska Native, with at least a quarter living on reservations or trust lands.<sup>vi</sup> It is estimated that American Indian and Alaska Native Peoples have been dispossessed of over 99.8% of their homelands.<sup>vii</sup>

The US systemically violates and fails to protect Indigenous Peoples’ rights to self-determination, cultural heritage, lands, languages, and others, and it continuously violates its treaties—the supreme law of the land<sup>viii</sup>—with Tribal Nations.<sup>ix</sup> President Trump’s executive orders and budget and federal workforce cuts threaten the future of 25 regional Bureau of Indian Affairs offices, Indian Health Service funding and operation, and Bureau of Indian Education programs.<sup>x</sup>

This content discussed in this report is far from exhaustive, covering only a few examples of countless Indigenous Peoples’ rights violations in the US.

## **III. Previous UPR recommendations**

In previous cycles, the US supported recommendations relevant to Indigenous Peoples. The level of implementation is unsatisfactory. Some examples:

- *Continue its efforts for the implementation of its reform plan of June 2014 concerning the education of American Indian students and make use of education grant available to better meet the needs of American Indian and Alaskan native students (Albania, Cycle 2)*
- *Respect indigenous peoples and ethnic minorities' rights and interests, fully consult with them on their land, autonomy, environment, language and other issues, correct the historical injustice and offer compensation (China, Cycle 2)*
- *Regularly consult with indigenous peoples on matters of interest to their communities, to support their rights to traditionally owned lands and resources and to adopt measures to effectively protect sacred areas of indigenous peoples against environmental exploitation and degradation (Moldova, Cycle 2)*
- *Implement the United Nations Declaration on the Rights of Indigenous Peoples (Bolivia, Cycle 2)*
- *Continue to pay attention to violence against indigenous women by ensuring that all reports of violence, in particular sexual violence and rape against indigenous women, are thoroughly investigated, with a focus on ending impunity and bringing perpetrators before justice (Finland, Cycle 2)*
- *Implement concrete measures consistent with the Covenant on Civil and Political Rights, to ensure the participation of indigenous peoples in the decisions affecting their natural environment, measures of subsistence, culture and spiritual practices (Bolivia, Cycle 1)*

#### **IV. Ongoing Rights Violations**

##### **A. Land Rights, Self-Determination, FPIC**

###### **a. Oak Flat Case**

(UNDRIP Articles 4, 11, 12, 25, 26, 29, 31, 32)

Chi'chil Bildagoteel ("Oak Flat") is a 17.3km sacred site of the San Carlos Apache Tribal Nation within Tonto National Forest in Arizona. Since time immemorial Apache and other Indigenous Nations have protected and lived with this land. Some trees at Chi'chil Bidagoteel have stood for over 1,000 years and produce acorn flour, an essential food and ceremonial element.<sup>xi</sup> The site hosts ceremonies, gathering of protected materials, prayer, and more.<sup>xii</sup> It is on the National Register of Historic Places.<sup>xiii</sup>

In 2014, a defense bill,<sup>xiv</sup> supported by legislators linked to mining interests, including a provision titled the Southeast Arizona Land Exchange, authorized the transfer of this federal land to the

Resolution Copper Company, which would allow the site’s transformation into a two-mile wide copper mine.<sup>xv</sup> This occurred without the FPIC of the impacted Tribal Nations.

In January 2021, the Apache Stronghold, a coalition of Apache and other Indigenous and non-Indigenous allies,<sup>xvi</sup> on behalf of traditional Apache leadership, filed *Apache Stronghold v. the United States*,<sup>xvii</sup> arguing “the giveaway and destruction of Oak Flat violates the Religious Freedom Restoration Act and Apaches’ constitutional rights to religious freedom, due process, and petition and remedy. The giveaway also constitutes a breach of trust and fiduciary duties.”<sup>xviii</sup> A federal judge denied their request for an injunction, saying the coalition lacked standing.<sup>xix</sup> In early 2024, the Ninth Circuit Court of Appeals again denied the injunction on the basis that “even though the end result of the mining at Oak Flat will totally obliterate the sacred site,...the government did not create a substantial burden” on the Apaches’ ability to practice their religion.<sup>xx</sup> The legal struggle continued, and in September 2024, the Apache Stronghold filed an appeal with the US Supreme Court;<sup>xxi</sup> it has yet to be announced whether the case will be heard.

## **B. Gender Rights**

(UNDRIP Arts. 7, 22)

The Missing and Murdered Indigenous Women, Girls and Two-Spirit (MMIWG2S+) movement has brought international attention to gender-based violence against Indigenous women and Two-Spirit individuals in the US and Canada. According to the Bureau of Indian Affairs, American Indian and Alaska Native women experienced the second highest rate of homicide in 2020.<sup>xxii</sup> In 2023, over 5,800 American Indian and Alaska Native women were reported missing, with 74% of these victims being children.<sup>xxiii</sup> One study found 56% percent of Indigenous women have experienced sexual violence; and Indigenous women experienced all categories of violence at higher rates than white women, in some cases at rates surpassing 100% higher.<sup>xxiv</sup> These alarming figures show the differentiated violence Indigenous women and girls face, even though violence against Indigenous women, girls, and Two-Spirit people is still heavily underreported.<sup>xxv</sup> In a study comparing lesbian, gay, bisexual, transgender, and Two-Spirit Indigenous individuals to their heterosexual counterparts, the former were more likely to experience childhood physical abuse.<sup>xxvi</sup> On some reservations, sexual violence by non-Native perpetrators against Native women, girls, and Two-Spirit people reaches 96%.<sup>xxvii</sup>

The issues of extractive industries are not separate from the crisis of violence; studies have shown that “man camps” that spring up around projects near or in Indigenous communities correlate with increases in violence, and structural issues, such as existing disproportionate exposure to violence and less access to justice exacerbate impacts.<sup>xxviii</sup> The sexual, physical, mental, and other violence that Indigenous women and Two-Spirit people experience violates their rights to physical and mental integrity and liberty and security.

In 2020, Savanna's Act (S.227) was signed into law<sup>xxxix</sup> after the 2017 murder of Savanna LaFontaine-Greywind of the Spirit Lake Tribe,<sup>xxx</sup> clarifying government responsibility in cases of missing and murdered Native Americans and aiming to improve data collection. The Not Invisible Act, S.982, was also passed to combat violence against Indigenous people.<sup>xxxi</sup> These two acts may be targeted by sweeping Trump administration efforts to end the few existing supports for Indigenous people.<sup>xxxii</sup> The Trump administration has removed the final report of the Not Invisible Act Commission from government websites, erasing a crucial resource addressing this crisis.<sup>xxxiii</sup>

### **C. Self-Determination, FPIC**

(UNDRIP Articles 2, 3, 4, 11, 12, 14, 21, 23, 29, and 32)

Since taking office in January 2025, the Trump administration has undermined Indigenous Peoples' rights and self-determination through executive actions. On March 14, 2025, the White House revoked Executive Order 14112, issued by the Biden administration in 2023, which had strengthened Tribal sovereignty by expanding Tribal Nations' access to federal funding, simplifying Indigenous self-determined control of education, healthcare, and land management decisions.<sup>xxxiv</sup> The order had also reiterated the obligation for meaningful Tribal consultation. This revocation violates the federal government's trust responsibilities and treaty obligations.<sup>xxxv</sup>

The "Protecting the Meaning and Value of Birthright Citizenship" executive order, issued on January 20, 2025, and subsequent legal arguments, raises concerns about potential erosion of Native people's rights to US citizenship,<sup>xxxvi</sup> violating the right to freedom from discrimination. Any attempt to redefine citizenship in a manner that threatens Indigenous identities would directly undermine Tribal sovereignty.

The past and present administrations' aggressive impulse for energy production and mineral extraction has advanced projects such as the Thacker Pass Lithium Project, Resolution Copper Project, Rosemont Copper Project, Rhyolite Ridge Lithium-Boron Project, and the Alaska Pebble Mine Project, many of which threaten sacred sites and fragile ecosystems. These projects have proceeded without FPIC. It is estimated that in the US, 97% of nickel, 89% of copper, 79% of lithium and 68% of cobalt reserves and resources are located within 35 miles of Indigenous reservations.<sup>xxxvii</sup>

The "Unleashing American Energy" executive order<sup>xxxviii</sup> prioritizes fossil fuel and mineral extraction, which regularly occurs at the expense of Indigenous lands and sovereignty. By fast-tracking projects that threaten sacred sites, weaken environmental review processes, and undermine the right of Indigenous Peoples to FPIC, the order contravenes UNDRIP Articles 29 and 32.

The Trump administration revoked Executive Order 14112, which had expanded Tribal Nations' access to federal funding and reinforced self-governance in critical areas such as education, healthcare, and land management. This undermines Indigenous sovereignty and disregards the US government's trust and treaty obligations.

The administration's decision to rename Mount Denali—its original name in the Koyukon Athabaskan language—back to Mount McKinley—named for a gold prospector and US president—is but one example of many instances of disrespect for Indigenous cultural heritage and erasure of Native place names, reinforcing a pattern of disrespect toward Indigenous governance, land, and identity.<sup>xxxix</sup>

These are a fraction of the actions undertaken in the few months since Donald Trump took office that impact and have the potential to impact Indigenous Peoples' rights in the United States.

## **V. Recommendations**

We urge UN Member States to make the following recommendations to the US:

1. Work with Tribal Nations on a government-to-government basis to achieve consensus on any projects affecting them.
2. Ensure existing legal mechanisms to protect against treaty rights violations are robustly enforced (e.g., through the National Environmental Protection Act, National Historic Preservation Act, Executive Order 13175, Clean Water Act, etc.).
3. Enact additional legal mechanisms to fully protect rights to lands, territories, resources and culture.
4. Prohibit federal funding and approvals for projects that violate treaty rights.
5. Fully integrate FPIC into federal law.
6. Build stronger systems to mitigate and address gender-based violence.
7. Mandate comprehensive disaggregated data collection on gender-based violence against Indigenous people, including sexual orientation and gender identity demographics.
8. Reaffirm Native American citizenship rights.
9. Retract executive orders that challenge compliance with US treaty and trust obligations to Tribal Nations; and establish mechanisms to improve compliance with these obligations.

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